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10/571,049	02/12/2007	Robert Bauer	23544	9067
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EXAMINER				
REESE, DAVID C				
ART UNIT		PAPER NUMBER		
3677				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/571,049

Applicant(s)

BAUER, ROBERT

Examiner

DAVID REESE

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

THIS FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 6/16/2010.

- Claim 11 was canceled.
- Claims 1-10 and 12-19 were amended.
- Claims 1-10 and 12-19 are pending.
- A Substitute Specification, Abstract, and replacement drawing changes were filed for entry.

Drawings

[1] The drawing(s) were previously objected for informalities. In view of Applicant's cancellation of claim 11 submitted on 6/16/2010 all previous objection(s) to the drawings have been withdrawn.

Specification

[2] The disclosure was previously objected to for informalities. Applicant has successfully addressed these issues in the amendment filed on 6/16/2010. Accordingly, the objection(s) to the specification have been withdrawn, and the applicant's amendment to the specification has been entered.

Information Disclosure Statement

[3] The information disclosure statement filed 6/16/2010 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a copy of the foreign patent documents have not been provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance

with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

[4] Claim(s) were previously objected to because of informalities. Applicant has failed to successfully address these issues in the amendment filed on 6/16/2010. Accordingly, the objection(s) to the claim(s) have not been withdrawn.

To reiterate:

[5] Claims 2, 6, and 8 are objected to because of the following informalities: the use of the word, “possibly according to” is improper.

In addition, as amended:

Claims 3-7 recite the limitation “the edges” in the instant claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 is objected to because of the following informalities: “wherein the lock washers have a groove for receiving the lip” should be “said groove receiving the lip” since the groove has already been claimed in ultimately depending independent claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

[6] Applicant has addressed all rejections under 35 USC § 112 to the Claims in the amendment filed 6/16/2010. Accordingly, the Examiner has withdrawn the 35 USC § 112 rejections.

Claim Rejections - 35 USC § 102

[7] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[8] Claims 1-2, 6, and 8-19 are rejected under 35 U.S.C. 102(b) as anticipated by McKinlay, US-5,409,338, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

As for Claim 1, McKinlay discloses of a locking element (10, 12) [for holding together threaded parts such as screws and nuts against undesired loosening], the locking element comprising two annular lock washers (10, 12) lying on each other and having center holes (40), the washers having inner faces (26, 30) lying on each other and provided with teeth (34, 36) and outer faces (28) turned away from each other and also provided with teeth (38), one of the

washers (10, 12) being formed at the respective center hole on the respective outer face (28) with a rounding or a groove (48, 50, see figs. 4-5).

Re: Claim 2, wherein edges of the teeth (34, 36) of the inner faces (26, 30) are oriented off-radial.

Re: Claim 6, wherein the edges of the teeth (28) of the outer faces have a non-radial direction.

Re: Claim 8, further comprising a sleeve (44, see figs. 4-5) connecting the lock washers (10, 12).

Re: Claim 9, wherein the sleeve (44) is disposed on inner surfaces of the center holes (see at 40 in fig. 4).

Re: Claim 10, wherein the sleeve (44) is disposed on outer surfaces (via 54 into 48) of the lock washers (10, 12).

Re: Claim 12, wherein the sleeve (44) has a lip (54) that laterally extends over or into an edge (such as that adjacent 48) of the lock washers (10, 12).

Re: Claim 13, wherein the lip (54) is annular.

Re: Claim 14, wherein the lip (54) is formed by tabs.

Re: Claim 15, wherein the lip (54) is formed by annular segments.

Re: Claim 16, wherein the sleeve is a slotted ring (the slot between 54 and 56).

Re: Claim 17, wherein a transition between the sleeve (44) and the lip (54) has a rounding or a chamfer.

Re: Claim 18, wherein a transition between the sleeve (44) and the lip (54) is perpendicular.

Re: Claim 19, wherein the lock washers (10, 12) have a groove (48) for receiving the lip (54).

Claim Rejections - 35 USC § 103

[9] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[10] Claims 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinlay, US-5,409,338.

Although the invention is not identically disclosed or described as set forth 35 U.S.C. 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a designer having ordinary skill in the art to which said subject matter pertains, the invention is not patentable.

As for claims 3-5 and 7, McKinlay discloses the claimed invention except for expressly disclosing that the edges of the teeth of the inner faces are V-shaped (claim 3); (U-shaped from claim 4); (S-shaped from claim 5); and the edges of the teeth of the outer faces have a curvature (from claim 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have changed the shape of the edges of the teeth of the inner faces and

outer faces as a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Response to Arguments

[11] Applicant amendment filed 6/16/2010 regarding rejections under 35 U.S.C. 103 have been fully considered. However, upon further consideration of the amended claims, a new ground(s) of rejection is made in view of McKinlay, US-5,409,338. Consequently, all arguments are considered moot to said new grounds of rejection.

Conclusion

[12] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

[13] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached at (571) 272-6987. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID REESE/
Examiner, Art Unit 3677

